

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:01-cr-170
vs.)	
)	JUDGE COLLIER
BRYCE LAMAR GILBERT)	

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on February 15, 2012, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (Petition) of U.S. Probation Officer Michael E. Stuart and the Warrant for Arrest issued by Chief U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA Perry Piper for the USA.
- (2) Defendant BRYCE LAMAR GILBERT.
- (3) Attorney Myrlene Marsa for defendant.
- (4) U.S. Probation Officer Michael E. Stuart.
- (4) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Federal Defender Services of Eastern Tennessee, Inc. was APPOINTED to represent the defendant. It was determined the defendant had been provided with a copy of the Petition and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Piper called USPO Michael E. Stuart as a witness and moved that the defendant be detained pending the revocation hearing.

Findings

- (1) Based upon USPO Michael E. Stuart's testimony, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of

supervised release as alleged or set forth in the Petition.

(2) The defendant has not carried his burden under Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure, that if released on bail he will not pose a danger to the community.

Conclusions

It is ORDERED:

(1) The motion of AUSA Piper that the defendant be DETAINED WITHOUT BAIL pending the revocation hearing before U.S. District Judge Curtis L. Collier is GRANTED.

(2) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, March 22, 2012, at 9:00 am.**

ENTER.

S / *William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE